IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 10152 of 2007(H)

PETITIONER:

P.P.MURALEEDHARAN, S/O.PADMANABHAN,
AGED 53 YEARS, RESIDING AT PALLAMVELIL,
KOCHUKAVALA, VAIKOM, FORMER SPECIAL GRADE
SECRETARY, VELLATHOOVAL GRAMA PANCHAYATH,
IDUKKI.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY THE SECRETARY,**
   LOCAL ADMINISTRATION.

2. **THE DIRECTOR OF PANCHAYATH,**
   PANCHAYATH DIRECTORATE, THIRUVANANTHAPURAM.

3. **THE DEPUTY DIRECTOR OF PANCHAYATH,**
   IDUKKI.

4. **BABY THOMAS, JUNIOR SUPERINTENDENT,**
   DISTRICT PANCHAYATH OFFICE, IDUKKI.

BY GOVERNMENT PLEADER SRI.O.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.10152/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.E1-19500/2006 PASSED BY THE 2ND RESPONDENT DT.1.11.06.

EXT.P2:- COPY OF THE ORDER NO.E1-5878/2007 PASSED BY THE 2ND RESPONDENT DT.13.3.2007.

EXT.P3:- COPY OF THE REPRESENTATION DT.19.3.07.

EXT.P4:- COPY OF THE REPRESENTATION DT.21.3.07.

RESPONDENTS EXHIBITS

EXT.R2(a):- COPY OF THE ORDER NO.E1-22156/2006 DT.13.3.2007.

/TRUE COPY/

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.10152/2007-H & I.A.5146/2007

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Dated this the 9th day of April, 2007.

JUDGMENT

By the impugned Ext.P2, the 4th respondent was posted to Vellathooval Grama Panchayat in Idukki district identifying that as an available vacancy. But the fact remains that the petitioner is shown to have been moved out of Vellathooval Grama Panchayat to Vellavoor Grama Panchayat only by the transfer order Ext.R2(a) issued making reference to Ext.P2. Therefore, even if Exts.P2 and R2(a) are contemporaneous, Ext.P2 was, obviously, passed on a misplaced premises because there was no vacancy in Vellathooval Grama Panchayat before the issuance of Ext.R2(a). Whatever that be, the petitioner, a native of Vaikom, is now posted to Kottayam District from Idukki District as per Ext.R2(a). This would, obviously, be advantageous to him, who says that he is on the verge of

retirement and is pleading for a posting near his home station. Under such circumstances, while vacating the interim order dated 28-3-2007, it is directed that the petitioner will be permitted to join duty in Vellavoor Grama Panchayat on the basis of Ext.R2(a) and if he joins Vellavoor Grama Panchayat on 11-4-2007, the period spent by him from the issuance of Ext.P2 will be treated as period spent on duty for all purposes.

2. Notwithstanding the aforesaid, the competent among the respondents will take up Ext.P4, advert to and consider the same and pass appropriate orders in accordance with law.

The writ petition and the interlocutory application are disposed of with the aforesaid directions.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-